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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,270	07/19/2006	William L. Keith	US040061US2	8725

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

ALEMU, EPHREM

ART UNIT	PAPER NUMBER
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2821

MAIL DATE	DELIVERY MODE
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10/15/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/597,270	Applicant(s) KEITH ET AL.	
	Examiner Ephrem Alemu	Art Unit 2821	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,8 and 15 is/are rejected.
- 7) ☒ Claim(s) 2-7,9-14 and 16-22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/19/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Objections

2. The claims 1-22 are objected to because they include reference characters which are not enclosed within parentheses.

Reference characters corresponding to elements recited in the detailed description of the drawings and used in conjunction with the recitation of the same element or group of elements in the claims should be enclosed within parentheses so as to avoid confusion with other numbers or characters which may appear in the claims. See MPEP § 608.01(m).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 8 and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Gaus, Jr. et al. (US 6,867,558).

Re claim 1, Gaus, Jr. discloses a method of communicating between an external control system and an electronic ballast (32) comprising: receiving an external signal from the external

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control system (i.e., via wire path 26 and/or manually activating switches 34, 44, 50) (Figs. 2-4; Col. 3, lines 18-29; Col. 4, line 26- Col. 10, line 60); generating an outboard signal (i.e., via wire path between switches (34, 44, 50 and transformer 36) in response to the external signal (i.e., via wire path 26 and/or manually activating switches 34, 44, 50); transmitting the outboard signal across a transformer (36) to generate an inboard signal (i.e., via wire path between transformer 36 and PLC transceiver 38); generating an internal signal in response to the inboard signal; and utilizing the internal signal in a microprocessor (i.e., embedded controller included in the PLC transceiver 38) (Figs. 2-4; Col. 3, lines 18-29; Col. 4, line 26- Col. 10, line 60).

Re claim 8, Gaus, Jr. discloses a system communicating between an external control system and an electronic ballast (32) comprising: means (i.e., wire path 26 and/or manually activating switches 34, 44, 50) for receiving an external signal from the external control system (i.e., via wire path 26 and/or manually activating switches 34, 44, 50) (Figs. 2-4; Col. 3, lines 18-29; Col. 4, line 26- Col. 10, line 60; Col. 8, lines 1-30); means for generating an outboard signal (i.e., via wire path between switches (34, 44, 50 and transformer 36) in response to the external signal (i.e., via wire path 26 and/or manually activating switches 34, 44, 50); means for transmitting the outboard signal across a transformer (36) to generate an inboard signal (i.e., via wire path between transformer 36 and PLC transceiver 38); means (i.e., PLC transceiver 38) for generating an internal signal in response to the inboard signal; and utilizing the internal signal in a microprocessor (i.e., embedded controller included in the PLC transceiver 38) (Figs. 2-4; Col. 3, lines 18-29; Col. 4, line 26- Col. 10, line 60; Col. 8, lines 1-30).

Re claim 15, Gaus, Jr. discloses an electronic ballast (32) with transformer interface (36) communicating between an external control system and the electronic ballast comprising: an

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outboard circuit (i.e., wire path 26 and/or manually activating switches 34, 44, 50) operably connected to the external control system and communicating with the external control system by an external signal (Figs. 2-4; Col. 3, lines 18-29; Col. 4, line 26- Col. 10, line 60; Col. 8, lines 1-30); a transformer (36) operably connected to the outboard circuit and communicating with the outboard circuit (i.e., wire path 26 and/or manually activating switches 34, 44, 50) by an outboard signal (Figs. 2-4; Col. 3, lines 18-29; Col. 4, line 26- Col. 10, line 60; Col. 8, lines 1-30); and an inboard circuit (i.e., PLC transceiver 38) operably connected to the transformer (36), communicating with the transformer (36) by an inboard signal, and communicating with a microprocessor (i.e., embedded controller included in the PLC transceiver 38) by an internal signal (Figs. 2-4; Col. 3, lines 18-29; Col. 4, line 26- Col. 10, line 60; Col. 8, lines 1-30).

Allowable Subject Matter

5. Claims 2-7, 8-14 and 16-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Fosler (US Pub. 2004/0225811); Wang (US 6,507,158); and Katyl et al. (US 6,181,086); also teach similar inventive subject matter.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ephrem Alemu whose telephone number is (571) 272-1818. The examiner can normally be reached on M-F 9:00 AM to 5:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas W Owens can be reached on (571) 272-1662. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EA
10-13-09

/Douglas W Owens/
Supervisory Patent Examiner, Art Unit 2821
October 13, 2009